

Application No. 10/612030
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Amendment
Attorney Docket No. S63.2N-9703-US02

Remarks

This Amendment is in response to the Office Action dated April 7, 2004. In the Office Action claims 32-34 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,591,198 to Boyle et al. Claims 39-41 were rejected under 35 USC 102(b) as being anticipated by US Patent 4,800,882 to Gianturco. Claims 35, 36, 42, and 43 were rejected under 35 USC 103(a) as being unpatentable over Boyle et al and Gianturco. Claims 32-45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of US Patent No. 6,585,753. Independent claims 32 and 39 have been amended. Claims 37, 38, 44, and 45 have been written into independent form. A terminal disclaimer has been submitted with this amendment. Figure 4 has been amended and a replacement sheet has been attached. Figure 4 now includes the identifier "150" which identifies the catheter generally. In Figure 1A the catheter is generally identified with the identifier "150". No new matter has been added. Applicant responds to the rejections under heading consistent with the paragraph numbering of the Office Action.

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In the Office Action the drawings were objected to because reference character "114" was believed to have been used to designate both the "second segment" and the "third segment" in section [0036]. Applicant believes that amending the drawings would not effectively address this objection. Thus, Applicant has amended sections [0012] and [0036] in order to clarify any confusion regarding character "114". Applicant believes this amendment addresses the concerns of the Office Action regarding the drawings and reference character "114". Applicant respectfully requests that the objection be withdrawn.

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In the Office Action the drawings are objected to because they fail to show "150" as described in the specification in section [0060]. Applicant submits herewith a proposed drawing correction with reference character 150 included. Applicant respectfully requests that the objection to the drawings be withdrawn.

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In the Office Action claims 32-34 were rejected under 35 USC 102(b) as being anticipated by US Patent 5,591,198 to Boyle et al.

The instant claims are directed to a coil stent comprising a plurality of arcing segments and expandable links which together form a spiral which extends about a longitudinal axis of the stent, the expandable links extending generally along the spiral, each expandable link having a longitudinal component which shrinks in a direction parallel to the longitudinal axis on expansion of the stent. Arcing segments are connected by expandable links.

To the extent that the Boyle stent has serpentine structures, it consists only of such structures. Even if those structures shrink in the longitudinal direction on expansion of the stent, the Boyle stent lacks the recited arcing segment.

Further as to claim 34, the Boyle stent lacks the recited links having diamond shaped cells.

Withdrawal of the rejection is requested in light of the above.

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In the Office Action claims 39-41 were rejected under 35 USC 102(b) as being anticipated by US Patent 4,800,882 to Gianturco.

Claims 40 and 41 are canceled without prejudice or disclaimer.

Claim 39 is directed to a coil stent comprising a plurality of non-serpentine segments with serpentine segments extending therebetween. The non-serpentine segments and the serpentine segments together form a substantially spiral path about a longitudinal axis of the stent.

The Gianturco stent is not seen to have a substantially spiral path, as recited in the instant claims.

Withdrawal of the rejection is requested in light of the above.

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In the Office Action, claims 35, 36, 42, and 43 were rejected under 35 USC 103(a) as being unpatentable over Boyle et al and Gianturco.

Claims 35 and 36, dependent from claim 32 requires a plurality of arcing segments and expandable links which together form a spiral which extends about a longitudinal axis of the stent. Gianturco does not disclose a spiral and does not provide any of the elements missing from Boyle, as discussed above in paragraph 4.

At least for these reasons, claims 35 and 36 are patentable over the proposed combination.

As to claims 42 and 43, Boyle does not include the combination of serpentine and non-serpentine segments and Gianturco does not disclose a spiral path. Moreover, if Boyle were modified in light of Gianturco, it would not be expected to have the recited substantially spiral path.

Applicant respectfully requests that the obviousness rejection of claims 35, 36, 42, and 43 be withdrawn.

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In the Office Action, claims 32-45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of US Patent No. 6,585,753. In order to overcome this rejection, Applicant submits a terminal disclaimer herewith. Applicant respectfully requests that the double patenting rejection be withdrawn.

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Conclusion

In view of the foregoing it is believed that the present application, with pending claims 32-39 and 42-45, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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